

ORDINANCE NO. 2017 - ____
CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS

AN ORDINANCE FOR REZONING; A LOT-SPLIT, REPLAT AND REZONING OF LOT 5 OF CREEKSIDE ESTATES CONTAINING A TOTAL OF 5 ACRES ZONED R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. THE LOT-SPLIT AND REPLAT WILL CONSIST OF TWO (2) NEWLY CREATED LOTS WITH PROPOSED LOT 5A CONTAINING 1.89 ACRES THAT WILL RETAIN THE R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT ZONING AND PROPOSED LOT 5B CONTAINING 3.11 ACRES WILL BE REZONED TO AN R-E ESTATE SINGLE-FAMILY RESIDENTIAL DISTRICT.

WHEREAS, an application for a Lot-Split, Replat and Rezoning was filed with the Planning and Development Department of the City of Cave Springs, Arkansas, on the 12th day of December 2016 by Chuck Bell, agent for the owner, the Wanda L. Sanders Trust, requesting a Lot-Split and Replat (CSLS-16-12) and the approval of a Rezoning (CSZ-16-16) of a platted lot, Lot 5 of Creekside Estates, containing 5 acres (217,800 ft²) currently zoned R-1 Single-Family Residential District. The Lot-Split and Replat will consist of two (2) newly created lots with proposed Lot 5A containing 1.89 acres that will retain the R-1 Single-Family Residential District zoning and proposed Lot 5B containing 3.11 acres will be rezoned to an R-E Estate Single-Family Residential District. In conjunction with the Planning Commission requests, the applicant has also requested an additional approval of one (1) variance (CSBZA-16-13) from the Board of Zoning Adjustment (BZA) for Lot Width from the required one-hundred and twenty (120) linear feet to a requested one-hundred and five (105) linear feet along the north lot-line for proposed Lot 5A.

WHEREAS, after due notice, as required by law, at a regular public hearing held on the 3rd day of January, 2016, at the time and place mentioned in all notifications, heard by all persons desiring to be heard on the question and as ascertained of the requested Lot-Split, Replat and Rezoning, the Cave Springs Planning Commission (CSPC), voted unanimously recommending APPROVAL to the City Council of Cave Springs of the following; Lot-Split, Replat and Rezoning request by the owners and applicant, for real estate described to-wit:

CSLS-16-12 & CSZ-16-16 | Sanders:

ADDRESS:	12755 Wood Duck Lane, Cave Springs, AR 72718
PARCELS:	05-10760-000
STR:	Section 11, Township 19 North, Range 31 West
PARENT LEGAL:	Lot 5 of Creekside Estates

PARENT TRACT SIZE: 5 acres (217,800 ft²)

LOT 5A | Retain zoning of R-1 Single-Family Residential Zoning District:

A part of lot 5 of the Creekside Estates Subdivision in the City of Cave springs, Benton County, Arkansas as recorded in plat book p1 at page 934. Being more particularly described as follows: beginning at an iron pin found at the NW corner of said lot 5; thence along the north line of said lot 5 N75°18'21"E 105.87 feet; thence departing said north line S28°27'46"E 281.70 feet; thence S12°47'05"E 166.19 feet to the south line of said lot 5; thence along said south line N87°20'00"W 285.76 feet to an iron pin found at the SW corner of said lot 5; thence along the west line of said lot 5 N01°51'42"E 369.76 feet to the point of beginning, containing 1.89 acres, more or less. Subject to any easements, covenants or restrictions of record or fact.

LOT 5B | Rezone to R-E Single-Family Residential Zoning District:

A part of lot 5 of the Creekside Estates Subdivision in the City of Cave Springs, Benton County, Arkansas as recorded in plat book p1 at page 934. Being more particularly described as follows: commencing at an iron pin found at the NW corner of said lot 5; thence along the north line of said lot 5 N75°18'21"E 105.87 feet to the point of beginning; thence continuing along said north line N75°18'21"E 273.25 feet to an iron pin found; thence S89°52'05"E 111.71 feet to a pk nail found at the NE corner of said lot 5; thence along the east line of said lot 5 S02°24'17"E 489.71 feet to a cotton spindle found at the SE corner of said lot 5; thence along the south line of said lot 5 N87°20'00"W 225.79 feet; thence departing said south line N12°47'05"W 166.19 feet; thence N28°27'46"W 281.70 feet to the point of beginning, containing 3.11 acres, more or less. Subject to any easements, covenants or restrictions of record or fact.

25' Dedicated Access and Utility Easement:

A part of lot 5 of the Creekside Estates Subdivision in the City of Cave Springs, Benton County, Arkansas as recorded in plat book p1 at page 934. Being more particularly described as follows: commencing at an iron pin found at the NW corner of said lot 5; thence along the north line of said lot 5 N75°18'21"E 105.87 feet; thence departing said north line S28°27'46"E 281.70 feet; thence S12°47'05"E 140.25 feet to the point of beginning; thence S87°20'00"E 189.40 feet; thence along a curve to the left having a delta of 30°00'00", a radius of 50.00

feet, a long chord that bears S17°40'00"W, 25.88 feet, an arc distance of 26.18 feet; thence N87°20'00"W 175.79 feet; thence N12°47'05"W 25.94 feet to the point of beginning, containing 0.10 acres, more or less.

NOW, THEREFORE, be it enacted by the City Council of the City of Cave Springs as follows;

Section 1. That the above described real estate be APPROVED for a Lot-Split and Replat (CSLS-16-12) and a Rezoning (CSZ-16-16) of a platted lot, Lot 5 of Creekside Estates, containing 5 acres (217,800 ft²) zoned R-1 Single-Family Residential District. The Lot-Split and Replat will consist of two (2) newly created lots with Lot 5A containing 1.89 acres that will retain the R-1 Single-Family Residential District zoning and Lot 5B containing 3.11 acres will be rezoned to an R-E Estate Single-Family Residential District., as requested; unanimously recommended for APPROVAL by the Cave Springs Planning Commission (CSPC) on the 3rd day of January; That upon the conclusion of a properly advertised public hearing and meaningful deliberation, the City Council of Cave Springs, by majority vote, did APPROVE the above styled application and request, Done this 10th day of January, 2017:

Section 2. This ordinance shall have full force and effect from and after its passage. Any ordinance or parts thereof in conflict with this ordinance is hereby repealed and declared invalid.

Section 3. The Official Zoning Map of the City of Cave Springs, Benton County, Arkansas is hereby amended to reflect the Rezoning.

PASSED AND APPROVED this 10th day of January, 2017:

APPROVED:

Travis Lee, Mayor

ATTEST:

Kimberly Hutcheson, City Recorder | Treasurer

(SEAL)